

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GE HFS HOLDINGS, INC.,
formerly known as

HELLER HEALTHCARE FINANCE, INC.,

Plaintiff,

and

MICHAEL INGOLDSBY,

Intervenor Plaintiff,

V.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA. and
INTERNATIONAL INSURANCE GROUP, LTD.

Defendants.

)Civil Action No. 05-CV-11128 NG

JOINT STATUS CONFERENCE STATEMENT

Plaintiff GE HFS Holdings, Inc., formerly known as Heller Healthcare Finance, Inc. (“Heller”), Plaintiff-Intervenor Michael Ingoldsby (“Ingoldsby”), Defendant National Union Fire Insurance Company of Pittsburgh, PA. (“National Union”), and Defendant-Intervenor International Insurance Group, Ltd. (“IIG”) hereby submit this joint statement for the status conference scheduled for September 21, 2006.

I. Status of Matter

National Union and Heller have reached a settlement in principle that will resolve all claims by Heller against National Union in the instant action. National Union and

Heller anticipate that a fully-executed settlement agreement will be completed by October 2006.

On or about June 27, 2006, National Union filed a Motion for Summary Judgment against Ingoldsby. Pursuant a Joint Motion for Continuance signed by counsel for Ingoldsby and National Union and allowed by the Court, Ingoldsby need not file his Opposition to Summary Judgment until October 16, 2006. Further, the above-referenced motion was necessitated by the fact that Ingoldsby has yet to conduct the Rule 30(b)(6) Deposition of National Union as agreed to by the parties.

In light of the foregoing, Ingoldsby re-noticed the Rule 30(b)(6) Depositions of National Union and IIG for September 14 and 15, 2006, respectively. IIG has indicated that it is unavailable on September 15, 2006 and has proposed rescheduling the deposition for either October 16, 17, 18 or 19, 2006. In light of the foregoing, the parties are seeking an additional month in which to complete discovery.

With respect to its Rule 30(b)(6) deposition, National Union has filed a Motion for Protective Order and is seeking that all discovery in this action be stayed pending the Court's ruling on the judicial estoppel portion of National Union's Motion for Summary Judgment. National Union believes that resolution of the judicial estoppel argument will end this case. Ingoldsby plans to oppose the Motion for Protective Order.

II. Schedule(National Union's Proposed Schedule)

EVENT	DATE
Hearing on National Union's Motion for Protective Order	To be scheduled at the Court's convenience.
Opposition to the Judicial Estoppel Portion of National Union's Motion for Summary Judgment	October 16, 2006
Hearing on the Judicial Estoppel Portion of National Union's Motion for Summary Judgment	To be scheduled at the Court's convenience.
Completion of Fact Discovery (if necessary)	To be determined after a ruling on the judicial estoppel portion of National Union's pending Motion for Summary Judgment.
Plaintiff's Expert Report (if necessary)	To be determined as indicated above
Defendants' Expert Reports (if necessary)	To be determined as indicated above
Rebuttal Expert Reports (if necessary)	To be determined as indicated above
Complete Expert Depositions (if necessary)	To be determined as indicated above
Additional Motions for Summary Judgment Filed (if necessary)	To be determined as indicated above
Oppositions to Summary Judgment Filed (if necessary)	To be determined as indicated above
Final Pre-Trial Conference	To be scheduled at Court's Convenience

(Ingoldsby's Proposed Schedule)

EVENT	DATE
Completion of Fact Discovery	October 30, 2006
Expert Reports	November 30, 2006
Rebuttal Expert Reports	December 20, 2006
Complete Expert Depositions	January 15, 2006
Motions for Summary Judgment Filed Not Later Than	March 1, 2007
Oppositions to Summary Judgment Filed Not Later Than	April 1, 2007
Final Pre-Trial Conference	To be scheduled at Court's Convenience

III. Trial by Magistrate

The parties are not willing to consent to a trial by magistrate judge.

Respectfully submitted,

GE HFS HOLDINGS, INC.,
formerly known as
 HELLER HEALTHCARE
 FINANCE, INC.,

By its attorneys,

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Respectfully submitted,

NATIONAL UNION FIRE INSURANCE
 COMPANY OF PITTSBURGH, PA.

By its attorneys,

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Respectfully submitted,

MICHAEL INGOLDSBY,

By his attorney,

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Dated: September 15, 2006

Respectfully submitted,

INTERNATIONAL INSURANCE, GROUP
LTD

By its attorney,

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